

REGISTRATION FILE 72007-1 Vol. 5

Decision Information for 72007-1

Decision Seq: 503691

Action Code: 300, LABEL REVISION; NO DATA REQUIRED; 90

... ?

Decision Status

FFS Start Date:

Tentative Ind: No

Start/Stop Clock

FQPA Clock:

Due Date: 13-Nov-2003

75-Day Due Date:

Days Elapsed:

OPP Target Due Date:

21-Day Due Date:

FFS Original Decision: ...

Negotiated Due Date:

45/90 Due Date:

Registrant

Predecisional

Add to Bundle? ☐

Response Due Date:

Due Date:

Current Status: CLOSED (29-Jun-2015)

Bundle ID:

Action Code History

Secondary Decision

Decision Bundle

75 Day Letters

45/90 Day Screen

Primary Decisions

Decision Milestone

FFS Negotiated Due Dates

OPP Target Due Date

Decision Comments

Payment

Unmatched Payments

Decision Ownership

Receipts

Data Package

Reduced Risk

Meetings & Milestones

FFS Information

Receipts

Staff Member

Reg/DCI Number

Submission Due Dt

Response

S: 967355

Walsh, Colin

72007-1

20-Jul-2015

OBJECTION - DATA + LABEL DEFICI

amend with spray duration info at warmer temp of 66 degrees F. (DVD video included)

Viewing Record 1 of 1

UDAP Industries Inc.
EPA Registration Number 72007-1
Amendment to Spray Duration with Kodiak Actuator Head

April 16, 2015

Linda A. Hollis, MS
Chief, BPB (7511P) EPA
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202
hollis.linda@epa.gov
(703) 308-8733 (phone)
(703) 308-7026 (fax)

RE: UDAP Pepper Power Bear Deterrent
EPA Registration Number 72007-1
Application for an amendment to correct storage temperature

Dear Linda A. Hollis:

UDAP Industries Inc. with this letter submits an application for the following amendment to the above registered product. The amendment is to submit additional spray duration data at a warmer temperature of 66 degrees Fahrenheit.

As per Colin Walsh's request, attached is a fast track amendment for additional testing performed for spray duration at a temperature close to room temperature. From this data collected, UDAP proposes the following labeling adjustment for our bear sprays when using this alternate Kodiak actuator head.

This product has a range of up to 40 feet [380g, 260g size].

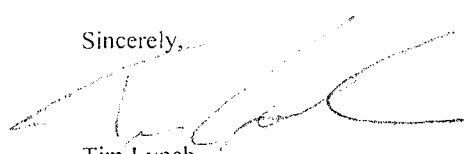
This product has a range of up to 36 feet [225g size].

This canister empties completely in approximately 9 seconds [380g container], 8 seconds [260g container], and 6 seconds [225g container].

In support of the Amendment, enclosed you will find the following:

- 1.) Two applications (EPA Form 8570-1)
- 2.) Two copies of this letter attached to the applications
- 3.) Three copies of laboratory test results (See Appendix A)
- 4.) Three copies of the new proposed label with the above changes
- 5.) One bear spray test DVD video

Sincerely,



Tim Lynch
General Manager
UDAP Industries



Print Form

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060

| | | | |
|--|--|--|-----------------------|
| | United States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Registration <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Other | OPP Identifier Number |
| | | | |

Application for Pesticide - Section I

| | | |
|--|--|--|
| 1. Company/Product Number WDAP Industries, Inc. (72002-1) | 2. EPA Product Manager Linda Hollis | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) WDAP Copper Based Bear Deterrent | PM# Biochemical Pesticides | |
| 5. Name and Address of Applicant (Include ZIP Code) WDAP Industries, Inc. 1702 Waterline Rd. Butte, MT 59701 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input checked="" type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

First Time Amendment for spray duration using Kodiac actuator. Used at close to room temperature as requested by John Walsh.

Section - III

| | | | | | |
|---|---|--|--|---|-------------------|
| 1. Material This Product Will Be Packaged In: | | | | | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | 2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | | |
| * Certification must be submitted | | If "Yes" Unit Packaging wgt. | No. per container | If "Yes" Package wgt. | No. per container |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | | | |

Section - IV

| | | | |
|---|--------------------------|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | |
| Name Tim Lynch | Title General Manager | Telephone No. (Include Area Code) 406-494-9292 | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | | 6. Date Application Received (Stamped) |
| 2. Signature | | 3. Title General Manager | |
| 4. Typed Name Tim Lynch | | 5. Date 4-16-2015 | |

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

FIRST AID

Have label with you when obtaining treatment advice

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15–20 minutes. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice. **IF IN EYES:** Hold eye open and rinse slowly and gently with water for 15–20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F. **Do not store in hot vehicle or in direct sunlight.**

SPILLS: Call 1-800-535-5053 for CHEMICAL EMERGENCY. **RESIDUE DISPOSAL & CONTAINER HANDLING: DO NOT INCINERATE OR PUNCTURE!** Do not reuse empty container. Place in trash or offer for recycling if available. **WASTE:** Call your local solid waste agency for disposal instructions.

Disclaimer: To the extent consistent with applicable law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power™ use against bear attacks. Please call 1-800-232-7941 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids* 2.0%

Other Ingredients

TOTAL

98.0%

100.0%

*Made from Oleoresin of Capsicum



UDAP Industries, Inc.

P.O. Box 4872

Butte, MT 59702

1-800-232-7941

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY 1-800-535-5053

EPA Reg. No. 72007-1 EPA Est. No. 72007-MT-001

Net Contents: 9.2 ounces (260g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 40 feet [260g, 380g size].

This product has a range of up to 36 feet [225g size].

This canister empties completely in approximately 9 seconds [380g container], 8 seconds [260g container], 6 seconds [225g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM: Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fig. 3

Decision Seq: 492231

Action Code: 300, LABEL REVISION; NO DATA REQUIRED; 90



FFS Start Date:

Tentative Ind: No

Start/Stop Clock

FQPA Clock:

Due Date: 16-Sep-2014

75-Day Due Date:

Days Elapsed:

OPP Target Due Date:

21-Day Due Date:

FFS Original Decision:

Negotiated Due Date:

45/90 Due Date:

Registrant



Predecisional

Due Date:

Response Due Date:

Add to Bundle? ☐

Current Status: CLOSED (29-Jul-2014)

Bundle ID:

Decision Status

Tracking

Create Resubmission

FFS Letters

Waiver Documentation

Action Code History

Secondary Decision

Decision Bundle

75 Day Letters 45/90 Day Screen Primary Decisions Decision Milestone

FFS Negotiated Due Dates OPP Target Due Date Decision Comments Payment Unmatched Payments

Decision Ownership Receipts Data Package Reduced Risk Meetings & Milestones FFS Information

| Receipts | Staff Member | Reg/DCI Number | Submission Due Dt | Response |
|----------|--------------|----------------|-------------------|----------|
|----------|--------------|----------------|-------------------|----------|

| | | | | |
|-----------|--------------|---------|-------------|-----------------------------|
| S: 953742 | Walsh, Colin | 72007-1 | 16-Sep-2014 | OBJECTION - DATA DEFICIENCY |
|-----------|--------------|---------|-------------|-----------------------------|

lbl amend. amending S&D

UDAP Industries Inc.
EPA Registration Number 72007-1
Amendment to add a new size canister

June 17, 2014

Linda A. Hollis, MS
Chief, BPB (7511P) EPA
One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202
hollis.linda@epa.gov
(703) 308-8733 (phone)
(703) 308-7026 (fax)

RE: UDAP Pepper Power Bear Deterrent
EPA Registration Number 72007-1
Application for an amendment to correct storage temperature

Dear Linda A. Hollis:

UDAP Industries Inc. with this letter submits an application for the following amendment to the above registered product. The amendment is to correct the storage temperature to 30 degrees Fahrenheit to reflect most recent testing data.

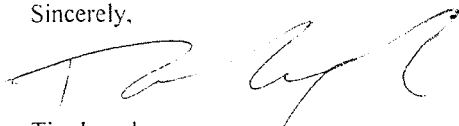
As per Colin Walsh's request, attached is a fast track amendment to expedite the correction of storage temperature on our label approved on March, 06 2014. From the testing results, UDAP proposes the following labeling adjustment for our bear sprays.

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 30°F. Do not store in hot vehicle or in direct sunlight.

In support of the Amendment, enclosed you will find the following:

- 1.) Application (EPA Form 8570-1).
- 2.) A Copy the new proposed label with the above changes.

Sincerely,



Tim Lynch
General Manager
UDAP Industries



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

Print Form



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|--|--|
| 1. Company/Product Number <i>UDAP Industries, Inc. (72007-1)</i> | 2. EPA Product Manager <i>Linda Hollis</i> | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) <i>UDAP Pepper Power Bear Deterrent</i> | PM# <i>Biochemical Pesticides</i> | |
| 5. Name and Address of Applicant (Include ZIP Code) <i>UDAP Industries, Inc. 1703 Waterline Rd. Butte, MT 59701</i> <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input checked="" type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Fast Track Amendment to correct storage temperature to 30° F.

Section - III

| | | | | | |
|---|---|--|--|----------------------|--|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | | |
| * Certification must be submitted | If "Yes" Unit Packaging wgt. No. per container | If "Yes" Package wgt. No. per container | | | |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | <input type="checkbox"/> Other _____ | | |

Section - IV

| | | |
|---|------------------------------------|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | |
| Name <i>Tim Lynch</i> | Title <i>General Manager</i> | Telephone No. (Include Area Code) <i>406-494-9292</i> |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature <i>[Signature]</i> | 3. Title <i>General Manager</i> | |
| 4. Typed Name <i>Tim Lynch</i> | 5. Date <i>6-17-2014</i> | |

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

FIRST AID:

Have label with you when obtaining treatment advice
IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15–20 minutes. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.
IF IN EYES: Hold eye open and rinse slowly and gently with water for 15–20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 30°F. **Do not store in hot vehicle or in direct sunlight.**

SPILLS: Call 1-800-535-5053 for CHEMICAL EMERGENCY.
PESTICIDE DISPOSAL & CONTAINER HANDLING: DO NOT INCINERATE OR PUNCTURE! If empty, Do not reuse empty container. Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency for disposal instructions.

Disclaimer: To the extent consistent with applicable law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power® use against bear attacks. Please call 1-800-232-7941 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids* 2.0%

Other Ingredients

98.0%

TOTAL

100.0%

*Made from Oleoresin of Capsicum



UDAP Industries, Inc.
 P.O. Box 4872
 Butte, MT 59702
 1-800-232-7941

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No. 72007-1 EPA Est. No. 72007-MT-001

Net Contents: 19.2 ounces (260g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 40 feet [260g, 380g size].

This product has a range of up to 36 feet [225g size].

This canister empties completely in approximately 7.9 seconds [380g container], 7 seconds [260g container], 6 seconds [225g container].

Product tested at 30° F.

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power® in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM: Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fig. 3

Lot Number & Expiration Date